

# NEW REQUIRED TRAINING

## UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF ILLINOIS

**Please take notice** of the following new and revised CM/ECF events effective with the upgrade to CM/ECF Version 3.1, which must be adhered to. The new and revised events are due to the upgrades contained within CM/ECF Version 3.1 and the statistical reporting requirements enacted as part of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA).

**Please take further notice** that if you use petition preparation software, you will have to install the latest version of your software in order to electronically file after October 7, 2006.

### NEW AND REVISED EVENTS

#### SCHEDULES AND AMENDED SCHEDULES

- Schedules
  - ▶ Schedules **not** filed at time of filing of Voluntary Petition will now be required to be filed individually using one of the new appropriate events as follows:
 

<ul style="list-style-type: none"> <li>• Schedule - Summary of Schedules*</li> <li>• Schedule - Statistical Summary of Certain Liabilities*</li> <li>• Schedule A*</li> <li>• Schedule B*</li> <li>• Schedule C</li> <li>• Schedule D*</li> <li>• Schedule E*</li> <li>• Schedule F*</li> <li>• Schedule G</li> <li>• Schedule H</li> <li>• Schedule I*</li> <li>• Schedule J*</li> <li>• Schedule - Declaration Concerning Debtor's Schedule</li> </ul>	<ul style="list-style-type: none"> <li>• Schedule - Statement of Financial Affairs</li> <li>• Schedule - Statement of Intention</li> <li>• Schedule - Disclosure of Compensation</li> <li>• Schedule - Notice to Individual Consumer Debtor</li> <li>• Schedule - Declaration by BPP (19A)</li> <li>• Schedule - Declaration by BK Preparer (19B)</li> <li>• Schedule - Disclosure of Compensation of BPP (280)</li> <li>• Schedule - Exhibit A</li> <li>• Schedule - Exhibit D</li> <li>• Schedule - List of Equity Security Holders</li> <li>• Schedule - List of 20 Largest Unsecured Creditors</li> </ul>
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\*These events will prompt for the entry of statistical data, which is required pursuant to BAPCPA.

#### NOTES:

- ▶ PDF attached to each entry will be only the PDF of the corresponding schedule.
- ▶ Statement Regarding Authority to Sign and File Petition and Schedule of Salaries are to be filed using the event of Notice.
- ▶ Event of "Schedules" will no longer be available.

- Amended Schedules (No Fee)
  - ▶ Event disabled.

- ▶ With the exception of Amended Schedules D, E, or F, all other amended schedules will now be required to be filed using the specific schedule event as shown above. Each schedule event will prompt to select if schedule is amended.
- ▶ PDF attached to each entry will be only the PDF of the corresponding amended schedule, along with the appropriate related documents, i.e. Certificate of Service.
- ▶ Schedule events as noted above that prompt for entry of statistical data will also prompt for entry of the statistical data when the amended schedule is filed. The statistical data is required pursuant to BAPCPA.
- Amended Schedules (D, E and F) (Fee)
  - ▶ Event enhanced to prompt if schedule being amended is D, E, or F.
  - ▶ Event enhanced to prompt for statistical data.
- Amended Schedules (D, E and F) (No Fee)
  - ▶ New event required when filing an Amended Schedule D, E, or F when fee is not due.
  - ▶ Event will prompt if schedule being amended is D, E, or F.
  - ▶ Event will prompt for statistical data.
- Chapter 7 Means Test
  - ▶ Event enhanced to prompt for the entry of statistical data.
  - ▶ Event enhanced to prompt to select if statement is amended.
- Chapter 11 Statement of Current Monthly Income
  - ▶ Event enhanced to prompt for the entry of statistical data.
  - ▶ Event enhanced to prompt to select if statement is amended.
- Chapter 13 Statement of Current Monthly and Disposable Income
  - ▶ Event enhanced to prompt for the entry of statistical data.
  - ▶ Event enhanced to prompt to select if statement is amended.
- Corporate Ownership Statement
  - ▶ Event enhanced to prompt to select if statement is amended.

## CASE OPENING REVISIONS

- Case Opening - BK
  - ▶ The “statistics” screen has changed:
    - the item “Prior filing within last 8 years” has been added
    - two new checkboxes appear for a Chapter 11 case: “A plan is being filed with this petition” and “Acceptances of the plan were solicited pre-petition”
    - a “Nature of Business” label has been added above the list of business types
    - the checkboxes for types of business have been replaced by radio buttons
    - the “Nonprofit Organization” checkbox has been renamed “Tax-Exempt Entity” and can be selected in conjunction with any type of business
    - the values for estimated assets and estimated debts have changed
    - new defaults and cross-checks have been added to ensure the consistency of the data
  - ▶ A “Summary of Schedules” screen will be displayed. Data supplied on this screen is checked against items checked on the “Deficiency List”.

- Case Opening - Adv
  - ▶ When opening an adversary case, a “Role in Bankruptcy Case” item now appears on the screen for defendant/plaintiff information.
  - ▶ The adversary “statistics” screen has new items: the y/n item “State law”, and 3rd/4th/5th natures of suit.

## PLANS, AMENDED PLANS, AND MOTIONS RELATING TO PLANS

- Amended Chapter 11 Plan
  - ▶ Event enhanced to prompt if plan is being filed before confirmation or after confirmation.
- Amended Chapter 12 Plan
  - ▶ Event enhanced to prompt if plan is being filed before confirmation or after confirmation.
- Amended Chapter 13 Plan
  - ▶ Event enhanced to prompt if plan is being filed before confirmation or after confirmation.
- Amended Chapter 13 Plan after Act of 2005
  - ▶ Event enhanced to prompt if plan is being filed before confirmation or after confirmation.
- Motion to Amend Ch 11 Plan
  - ▶ Event enhanced to prompt if motion is being filed before plan confirmation or after plan confirmation.
- Motion to Amend Ch 13 Plan
  - ▶ Event enhanced to prompt if motion is being filed before plan confirmation or after plan confirmation.
- Motion to Decrease Plan Payments
  - ▶ Event enhanced to prompt if motion is being filed before plan confirmation or after plan confirmation.
- Motion to Modify Plan Payments
  - ▶ Event enhanced to prompt if motion is being filed before plan confirmation or after plan confirmation.
- Motion to Modify Plan Payments w/Notice
  - ▶ Event enhanced to prompt if motion is being filed before plan confirmation or after plan confirmation.

## MOTIONS REGARDING DISMISSAL

- Motion to Dismiss Case for Failure to Make Plan Payments
  - ▶ New event required when filing a motion of this nature.
- Motion to Dismiss Case Under 707(b)
  - ▶ New event included in the motions category and required when filing a motion seeking to dismiss pursuant to 11 U.S.C. §707(b).
  - ▶ Event remains for filing by trustees and US Trustee under the Trustee/US Trustee category.

## MOTIONS REGARDING SANCTIONS/DAMAGES

- Motion for Damages for Creditor Misconduct
  - ▶ New event required when filing a motion seeking damages for creditor misconduct other than violation of the stay or discharge injunction.

- Motion for Sanctions
  - ▶ Event enhanced to prompt for the nature in which sanctions are being sought. If seeking sanctions for one of the following reasons, the selection must be made from the drop-down menu: (1) Violation of the Discharge Injunction, (2) Violation of the Automatic Stay, (3) Debtor Attorney Misconduct, or (4) Counsel Liability for Excessive Costs.

## MOTIONS (MISCELLANEOUS)

- Motion for Adequate Protection
  - ▶ If requesting relief of this nature as additional or alternative relief, the motion is required to be filed as a multi-part motion.
  - ▶ Examples:     Motion for Relief from Stay and/or for Adequate Protection (Select “Relief from Stay” and “Adequate Protection”)  
                       Motion to Prohibit Use of Cash Collateral and/or for Adequate Protection (Select “Prohibit Use of Cash Collateral” and “Adequate Protection”)
  - ▶ For help docketing multi-part motions, refer to the instructions for Motions/Multi-Part Motions within the CM/ECF Users’ Manual.
- Motion for Chapter 11 Continuation of Operations
  - ▶ New event required when filing a Chapter 11 motion regarding the continuation of operations.
- Motion for Order Approving Reaffirmation
  - ▶ New event for motion by creditor seeking separate order approving reaffirmation.
- Motion Setting Property Value
  - ▶ New event required when filing a motion of this nature.
- Motion to Abandon
  - ▶ If filing a Motion for Relief and to Abandon, the motion is required to be filed as a multi-part motion.
  - ▶ Select “Relief from Stay” and “Abandon”.
  - ▶ For help docketing multi-part motions, refer to the instructions for Motions/Multi-Part Motions within the CM/ECF Users’ Manual.
- Motion to Abstain
  - ▶ New event required when filing a motion of this nature.
- Motion to Appoint
  - ▶ New event required when filing a motion to appoint trustee or examiner.
  - ▶ Event will prompt if motion seeks to appoint trustee or examiner.
- Motion to Assume/Reject
  - ▶ Event enhanced to prompt if motion seeks to assume or reject.
- Motion to Extend/Limit Exclusivity Period
  - ▶ New event required when filing a motion of this nature.
  - ▶ Event prompts to select if motion seeks to extend or limit exclusivity period.
- Motion to Extend Time
  - ▶ Event enhanced to prompt if seeking to extend time to appeal.

- Motion to File Claim after Claims Bar Date
  - New event required when filing a motion of this nature.
- Motion to Reconsider
  - Event enhanced to prompt if motion seeks to reconsider the case dismissal.
- Motion to Remove
  - New event required when filing a motion for removal of debtor-in-possession, trustee, or professional.
  - Event will prompt if debtor-in-possession, trustee, or professional.
- Motion to Sell
  - Event enhanced to prompt if motion seeks to sell property free and clear of liens or seeks to sell property under sec. 363(b) FRBP 6004.
- Motion to Set Aside
  - Event enhanced to prompt if motion seeks to set aside the case dismissal.
- Motion to Stay
  - Event enhanced to prompt if seeking to stay pending appeal.
- Motion to Vacate
  - Event enhanced to prompt if motion seeks to vacate the dismissal.

## OBJECTIONS

- Objection to Professional Fees
  - New event required when objecting to professional fees.
  - Objection to Application for Compensation is required to be filed using this new event.

## OTHER PLEADINGS

- Certification of Direct Appeal to Court of Appeals
  - Event enhanced to requiring linking to the Notice of Appeal.
- Reaffirmation Agreement
  - Event enhanced to prompt if Reaffirmation Agreement is filed with the signed attorney affidavit attached.